

reputed to be in the neighbourhood in which they lived ; and, that *Mary* left her husband *John Lewis* and migrated to America about the year 1792, where, as they had heard, she had continually resided until her death ; and that *John Lewis* does now, and always has resided in Ireland. In addition to which the deposition of an attorney was taken, who testified, that such a marriage, as that described by the other witnesses, was valid according to the law of Ireland ; and, that he had known such marriages to be held valid in the courts of justice there.

12th July, 1828.—BLAND, *Chancellor*.—This case standing ready for hearing, and having been submitted without argument, the proceedings were read and considered.

Marriage has been considered among all nations as the most important contract into which individuals can enter, as the parent not the child of civil society.(a) It would seem, that in the dark ages a notion prevailed of the mysterious nature of the contract of marriage, in which its spiritual nature almost entirely obliterated its civil character ; by which notion, some were carried so far as to say, that a marriage of an insane person could not be invalidated on that account. In more modern times, it has been considered in its proper light, as a civil contract, as well as a religious vow, and, like all civil contracts, will be invalidated by want of consent of capable persons.(b) It has been, most commonly, every where celebrated by some religious solemnities ; and, from its nature and objects, has been held to be obligatory during the joint lives of the parties, without the power of being thrown off at the pleasure of either or both of them ;(c) except perhaps in the single instance, according to the ancient and now obsolete law, where the husband or wife with the consent of the other, became a monk or nun professed, whereby the contract of marriage was virtually dissolved.(d)

According to the law of England, a contract of marriage is not deemed complete, so as to entitle the wife to dower, and the issue to inherit, unless it be celebrated in the face of the church, or with the blessing of a priest.(e) In Scotland no religious ceremony is necessary to constitute a legal marriage ;(f) and in Eng-

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(a) *Dalrymple v. Dalrymple*, 2 Hag. Con. Rep. 54.—(b) *Turner v. Meyers*, 1 Hag. Con. Rep. 414 ; *Browning v. Reane*, 2 Phill. Rep. 69 ; *Shelf. Lun.* 59, 446 ; *Portsmouth v. Portsmouth*, 1 Hag. Rep. 355.—(c) *Gordon v. Pye*, *Fergusson's Rep.* Append. note A. 349 ; *Westmeath v. Westmeath*, 1 Jac. Rep. 138.—(d) *Co. Litt.* 132. (e) *Dalrymple v. Dalrymple*, 2 Hag. Con. Rep. 54.—(f) *Dalrymple v. Dalrymple*, 2 Hag. Con. Rep. 54.